

### **III. REMARKS**

Claims 1-18, 20-27 and 29-33 are pending in this application. By this amendment, claims 1, 7, 10, 18, and 26 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action dated 8/8/06, the Office indicates that Claim 28 would be allowable if rewritten in independent form including all the limitations of the intervening claims. In the previous Office Action response, Applicant incorporated the subject matter of cancelled claim 28 in to amended claim 26. However, the Office has maintained its rejection of claim 26 under 35 U.S.C. 103. Clarification is respectfully requested.

#### **A. REJECTION OF CLAIMS 1-33 UNDER 35 U.S.C. §101**

In the Office Action, claims 1-33 are rejected under 35 U.S.C. 101 “because the steps of determining, generating, returning...in and of themselves are not a practical application with a useful, concrete and tangible result (e.g., the actual validating never takes place).” Office Action, p. 3. In response, Applicant submits that claim 1 does in fact result in the actual validation of remotely cached dynamic content web pages. Claim 1 analyzes the entity tag to determine if the cached response is valid. Applicant submits that a validity determination of the cached response will necessarily determine the validity of a remotely cached dynamic content web page. As used in the present invention, a response can be interpreted to include/encompass a requested web

page. *See* paragraph 0025 of the specification. Therefore, a determination of the validity of a cached response also determines the validity of the cached webpage. Furthermore, Applicant submits that it is not necessary under 35 U.S.C. 101 to “explain what action will be taken if the determination shows that the cached response is not valid or is valid,” as asserted by the Office. Office Action, p. 15. Applicant submits that the claimed invention has a practical application within the technological arts, to wit, determining validity of a cached response. As such, Applicant submits that the claimed invention is directed to statutory subject matter. Accordingly, Applicant requests that the rejection be withdrawn.

#### **B. REJECTION OF CLAIMS 1-33 UNDER 35 U.S.C. §112, 2<sup>ND</sup> PARAGRAPH**

The Office asserts that claims 1-33 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office asserts that “the claims preamble recites “...validating remotely cached content...”; the body of claims only includes the steps of determining, generating, returning...but not actual validating of the cache content that is recited in the preamble. Office Action, pg. 2-3. Applicant herein incorporates the arguments made above with respect to the rejection under 35 U.S.C. 101, and submits that validating the cached response provides validation of the cache content recited in the preamble. Accordingly, Applicant requests that the rejection be withdrawn.

#### **C. REJECTION OF CLAIMS 1-27 and 29-33 UNDER 35 U.S.C. §103(a)**

In the Office Action, claims 1-5, 7-27 and 29-33 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0026563 A1 to Chamberlain

et al., herein after “Chamberlain,” in view of U.S. Patent Publication No. 2003/0182357 A1 to Chess et al., hereinafter “Chess.” Office Action, p. 3. With regard to the rejection, Applicant asserts that the cited references fail to teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 10, 18 and 26, Applicant submits that the cited references fail to teach or suggest generating an entity tag based on the cacheability, the sources and the set of dependencies, wherein the entity tag identifies the sources and includes cacheability flags and time values associated with the set of dependencies. Specifically, Applicant submits that Chamberlain fails to provide an entity tag that identifies the sources. In the Office Action, the Office asserts that “the cache strategy indicators generated by cacheability analyzer represents the entity tag.” Office Action, p. 4. As such, the Office equates Applicant’s entity tag to Chamberlain’s caching strategy flags. However, the caching strategy flags disclosed by Chamberlain fail to identify the sources of dynamic content. Instead, cache strategy flags simply provide a yes/no indication of whether a response is cacheable. However, cache strategy flags alone fail to identify sources. Furthermore, a cache strategy flag that is merely based on response attributes is not equivalent to an entity tag that, *inter alia*, identifies sources of dynamic web content. The entity tag of the claimed invention is not limited to caching strategy flags. Instead, an entity tag is generated for the response that is based on the sources of content, as well as any dependencies of the response on those sources. Specifically, the entity tag identifies the sources of dynamic content in the response. Applicant submits that neither Chamberlain nor Chess disclose this claimed feature. As a result, Applicant respectfully submit that the Office has failed to state a *prima facie* case of obviousness with respect to independent claims 1, 10, 18 and 26 and respectfully request withdrawal of the rejection.

With respect to dependent claims 2-5, 7-9, 11-17, 20-25, 27 and 29-33, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

In the Office Action, claim 6 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chamberlain in view of Chess, and further in view of U.S. Patent Publication 2004/0111463 to Amon et al., hereinafter "Amon." Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claim depends. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

## **V. CONCLUSION**

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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